

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants : M. Scott Reichardt et al.  
Application No. : 09/731,115 Confirmation No. : 9203  
Filed : December 6, 2000  
For : SYSTEMS AND METHODS FOR COORDINATING  
INTERACTIVE AND PASSIVE ADVERTISEMENT AND  
MERCHANDISING OPPORTUNITIES  
Art Unit : 2623  
Examiner : Son P. Huynh

New York, NY 10036  
May 14, 2008

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AMENDED APPEAL BRIEF - REPLACEMENT SECTION

Sir:

In response to the April 30, 2008 Notification of Non-Compliant Appeal Brief, appellants are submitting this Amended Appeal Brief pursuant to 37 C.F.R. § 41.37(d). Pursuant to MPEP § 1205.03, this Amended Appeal Brief only includes the defective "Summary of Claimed Subject Matter" section and is not an entire new brief.

Appellants believe that no fee is required in connection with this Amended Appeal Brief. However, the Director is hereby authorized to charge any fees that may be due, or credit any overpayment of the same, to Deposit Account No. 06-1075.

REPLACEMENT SECTION

(v) Summary of Claimed Subject Matter

Appellants' independent claims 1, 29, and 57 are directed to a method and systems for accessing a passive program guide or barker channel and interactive content from an interactive application. A first interactive display is provided with a branded, selectable option that has a product brand logo graphic of a provider of the passive program guide or barker channel. A second display then replaces the first display in response to a user selecting the option. The second display that replaces the first display is provided with the passive program guide or barker channel and interactive content from the provider. In response to the user selecting the interactive content, additional information on the interactive content is provided.

Support in the specification for claims 1, 29, and 57 is found at least in the locations indicated in the following tables. The table for claim 29 also identifies the means-plus-function clauses in that claim as well as the corresponding structures, materials, or acts described in the specification.

| <b>Claim 1</b>  | <b>The Specification</b>  |
|---|---|
| A method for providing access to a passive program guide or barker channel and interactive content from an interactive application comprising:                                | See, e.g., specification, page 3, lines 10-19 and specification page 28, lines 29-30. |
| providing a branded selectable option having a product brand logo graphic of a provider of the passive program guide or barker channel and interactive content within a first | See, e.g., specification, page 28, lines 18-25.                                       |

| <b>Claim 1</b>   | <b>The Specification</b>  |
|--|---|
| interactive application display;   |   |
| providing, in a second display replacing the first display,  | See, e.g., specification, page 29, lines 3-7.   |
| the passive program guide or barker channel and interactive content from the provider in response to a user selecting the option from the interactive application display; | Providing the passive program guide or barker channel from the provider: see, e.g., specification, page 28, line 29 through specification, page 29, line 7. Providing the interactive content: see, e.g., specification, page 30, lines 8-11. |
| providing additional information on the interactive content in response to the user selecting the interactive content.   | See, e.g., specification, page 6, lines 9-16.   |

| <b>Claim 29</b>  | <b>The Specification</b>  |
|--|---|
| A system for providing access to a passive program guide or barker channel and interactive content from an interactive application comprising:   | See, e.g., specification, page 3, lines 10-19; specification page 28, lines 29-30; application equipment 17 (FIGS. 2a-2e).  |
| means for providing a branded selectable option having a product brand logo graphic of a provider of the passive program guide or barker channel and interactive content within a first interactive application display;                         | See, e.g., specification, page 28, lines 18-25; data source 14 (FIG. 1); display device 45 (FIG. 4).  |
| means for providing, in a second display replacing the first display, the passive program guide or barker channel and interactive content from the provider in response to a user selecting the option from the interactive application display; | See, e.g., specification, page 29, lines 3-7; specification, page 28, line 29 through specification, page 29, line 7; specification, page 30, lines 8-11; data source 14 (FIG. 1); display device 45 (FIG. 4); input device 46 (FIG. 4); control circuitry 42 (FIG. 4). |
| means for providing additional   | See, e.g., specification,   |

| <b>Claim 29</b>   | <b>The Specification</b>  |
|---|---|
| information on the interactive content in response to the user selecting the interactive content. | page 6, lines 9-16; data source 14 (FIG. 1); display device 45 (FIG. 4); input device 46 (FIG. 4); control circuitry 42 (FIG. 4). |

| <b>Claim 57</b>  | <b>The Specification</b>  |
|--|---|
| A system for providing access to a passive program guide or barker channel and interactive content from an interactive application comprising:   | See, e.g., specification, page 3, lines 10-19 and specification page 28, lines 29-30.   |
| user equipment on which an interactive application is at least partly implemented, wherein the interactive application is configured to:   | See, e.g., FIG. 3, user television equipment 22 and specification page 22, line 33 - page 23, line 8.   |
| provide a first display on the user equipment, wherein the first display comprises a branded selectable option having a product brand logo graphic of a provider of the passive program guide or barker channel and interactive content; | See, e.g., specification, page 28, lines 18-25.   |
| provide a second display on the user equipment replacing the first display   | See, e.g., specification, page 29, lines 3-7.   |
| comprising the passive program guide or barker channel and interactive content from the provider in response to a user selecting the option;   | Providing the passive program guide or barker channel from the provider: see, e.g., specification, page 28, line 29 through specification, page 29, line 7. Providing the interactive content: see, e.g., specification, page 30, lines 8-11. |
| provide, on the user equipment, additional information on the interactive content in response to the user selecting the interactive content.   | See, e.g., specification, page 6, lines 9-16.   |

Appellants' independent claims 18, 46, and 74 are directed to a method and systems for providing advertisements within an interactive application. An advertisement associated with a brand is inserted into branded passive programming. An alert icon is overlaid on the currently displayed, branded passive programming, wherein the alert icon indicates that additional information associated with the currently displayed, branded passive programming is available. The user is provided with the opportunity to select the alert icon to indicate a desire to access the additional information. In response to the user selection, an interactive display is provided that comprises an advertisement associated with the brand of branded, passive programming.

Support in the specification for claims 18, 46, and 74 is found at least in the locations indicated in the following tables. The table for claim 46 also identifies the means-plus-function clauses in that claim as well as the corresponding structures, materials, or acts described in the specification.

| <b>Claim 18</b>   | <b>The Specification</b>   |
|---|--|
| A method for providing advertisements within an interactive application implemented at least in part on user equipment comprising:  | <i>See, e.g.,</i> specification, page 35, lines 5-8.                       |
| providing branded passive programming with an advertisement associated with a brand inserted into the passive programming to the user equipment;  | <i>See, e.g.,</i> specification, page 35, line 33 through page 36, line 2. |
| displaying on the user equipment an alert icon overlaid on the currently displayed branded passive programming that indicates availability of additional information associated with the currently displayed branded passive programming; | <i>See, e.g.,</i> specification, page 37, line 31 through page 38, line 2. |
| providing a user associated with the user equipment with an opportunity to select the alert icon to indicate a  | <i>See, e.g.,</i> specification, page 38, line 2.                          |

| <b>Claim 18</b>  | <b>The Specification</b>                                   |
|--|--|
| desire to access the additional information;   |  |
| providing an interactive display on the user equipment in response to the user selection, wherein the display comprises an advertisement associated with the brand of the currently displayed branded passive programming. | <i>See, e.g.,</i><br>specification, page 38,<br>lines 2-7. |

| <b>Claim 46</b>   | <b>The Specification</b>  |
|---|---|
| A system for providing advertisements within an interactive application running at least in part on user equipment comprising:  | <i>See, e.g.,</i><br>specification, page 35,<br>lines 5-8; application<br>equipment 17 (FIGS. 2a-<br>2e).   |
| means for providing branded passive programming with an advertisement associated with a brand inserted into the passive programming to the user equipment;  | <i>See, e.g.,</i><br>specification, page 35,<br>line 33 through page<br>36, line 2; data source<br>14 (FIG. 1).   |
| means for displaying on the user equipment an alert icon overlaid on the currently displayed branded passive programming that indicates availability of additional information associated with the currently displayed branded passive programming; | <i>See, e.g.,</i><br>specification, page 37,<br>line 31 through page<br>38, line 2; data source<br>14 (FIG. 1); display<br>device 45 (FIG. 4);<br>control circuitry 42<br>(FIG. 4). |
| means for providing a user associated with the user equipment with an opportunity to select the alert icon to indicate a desire to access the additional information;   | <i>See, e.g.,</i><br>specification, page 38,<br>line 2; data source 14<br>(FIG. 1); input device<br>46 (FIG. 4).  |
| means for providing an interactive display on the user equipment in response to the user selection, wherein the display comprises an advertisement associated with the brand of the currently displayed branded passive programming                 | <i>See, e.g.,</i><br>specification, page 38,<br>lines 2-7; data source<br>14 (FIG. 1); display<br>device 45 (FIG. 4);<br>control circuitry 42<br>(FIG. 4).                          |

| <b>Claim 74</b>   | <b>The Specification</b>                     |
|---|--|
| A system for providing advertisements within an interactive application | <i>See, e.g.,</i><br>specification, page 35, |

| <b>Claim 74</b>  | <b>The Specification</b>  |
|--|---|
| comprising:  | lines 5-8.  |
| user equipment on which an interactive application is at least partly implemented, wherein the interactive application is configured to:   | See, e.g., FIG. 3, user television equipment 22 and specification page 22, line 33 - page 23, line 8. |
| provide a display on the user equipment, wherein the display comprises branded passive programming with an advertisement associated with a brand inserted into the passive programming;  | See, e.g., specification, page 35, line 33 through page 36, line 2.                                   |
| display on the user equipment an alert icon overlaid on the currently displayed branded passive programming that indicates availability of additional information associated with the currently displayed branded passive programming; | See, e.g., specification, page 37, line 31 through page 38, line 2.                                   |
| provide a user with an opportunity to select the alert icon to indicate a desire to access the additional information;   | See, e.g., specification, page 38, line 2.  |
| provide a display in response to the user selection, wherein the display comprises an advertisement associated with the brand of the currently displayed branded passive programming.  | See, e.g., specification, page 38, lines 2-7.   |

Appellants respectfully request that the above replacement section be replaced with the corresponding section submitted in the Appeal Brief filed on April 16, 2008.

Early and favorable consideration is respectfully requested.

Respectfully submitted,

          /Brian E. Mack/            
Brian E. Mack  
Registration No. 57,189  
Agent for Appellants  
Ropes & Gray LLP  
Customer No. 75563  
1211 Avenue of the Americas  
New York, NY 10036-8704  
Tel.: (212) 596-9000  
Fax : (212) 596-9090